

# How Drunk Drivers Cause Catastrophic Bicycle Accidents in Florida

## A Palm Beach County bicycle accident lawyer explains what injured cyclists need to know

[Bicycle accidents](#) happen at an alarming rate in Florida. Each year on average, more than 9,000 bicycle accidents occur statewide, resulting in more than 8,000 injuries and 200 bicycle fatalities, according to the [Florida Department of Highway Safety and Motor Vehicles \(FLHSMV\)](#).

Worst of all, many of these bicycle crashes could have been prevented. That's because a common cause of bicycle accidents is drunk drivers. When an impaired driver hits a bicyclist, the consequences can be devastating – severe life-changing injuries, long hospital stays, mounting medical bills, and weeks or months without working.

At the [Law Offices of Casey D. Shomo](#), we know how serious bicycle accidents can be. That's because we have been helping injured cyclists demand justice for years. Below, you can learn more about how intoxicated drivers cause bicycle crashes, what evidence can build strong legal cases and how you can recover compensation when a drunk driver causes your injuries.

### What makes drunk drivers especially dangerous for bicyclists?

When a motorist is under the influence of alcohol, their ability to judge speed, distance, and the presence of vulnerable road users (like bicyclists) declines dramatically. Some of the key reasons why drunk drivers cause so many bicycle accidents include:

- **Reduced reaction time** – A drunk driver might not notice a bicyclist weaving around parked cars or merging into traffic until it's too late.
- **Impaired vision and decision making** – Alcohol can blur the driver's vision, dull perception of movement, and cause them to misjudge the bicycle's speed or proximity.
- **Higher speeds and riskier maneuvers** – Drunk drivers may speed, run red lights, or fail to stop at stop signs, increasing the force of impact when a crash does occur.
- **Failure to yield to bicyclists** – A driver may fail to see or yield when a bicyclist crosses or merges, especially in poor lighting or when the bicyclist is in a bike lane next to parked cars.

When a bike and vehicle collide under these conditions, the cyclist often sustains severe injuries because they lack the protection of a vehicle's frame, airbags, and crash-absorption systems. The result can be catastrophic. And drunk drivers should be held accountable for their actions.

### What types of evidence help show that the driver was drunk?

Proving that a driver was intoxicated when they collided with a cyclist is essential to holding them accountable and obtaining compensation for financial losses. Important evidence in such cases can cover a wide range, including:

- **Breathalyzer or blood alcohol concentration (BAC) test results** – These provide an objective measurement of alcohol in the driver’s system.
- **Police DUI arrest records** – If the driver was pulled over and charged with DUI, the arrest report often contains observations of slurred speech, open containers, erratic driving, and refusal to submit to a test.
- **Bar/restaurant tab or liquor store receipts** – These indicate the driver was served a substantial amount of alcohol before driving.
- **Surveillance video** – Footage from the establishment where the driver drank, or from traffic cameras near the crash scene, may show the driver’s behavior, the time they left, and how fast they were going.
- **Witness testimony** – Pedestrians, bicyclists, other drivers or establishment staff may remember the driver’s drinking, condition, or risky behavior.
- **Vehicle damage and skid-mark analysis** – The crash dynamics – how quickly the bicycle rider was hit, how far the vehicle traveled after impact – can reveal high speed, lack of braking, or loss of control consistent with intoxication.
- **Medical records of injuries** – While not directly proving intoxication, the severity of the bicyclist’s injuries supports the case that the crash was caused by a reckless driver (for example, one under the influence).

Timing matters when it comes to gathering this evidence. If you don’t act fast, such evidence can quickly be lost or destroyed, including video footage from bars or liquor stores, witnesses’ memories of the event or BAC evidence in some cases. That’s why it’s critical that injured cyclists contact a Florida bicycle accident lawyer right away.

### **How does Florida law treat drunk-driving bicycle accidents?**

Florida’s legal framework often offers several avenues for cyclists injured by drunk drivers to obtain compensation for their financial losses. However, it’s important for injured bicyclists to understand some unique legal aspects of such cases, including:

1. **Driver liability** – A motorist who drives under the influence (with a BAC of 0.08% or above, or lower if under 21 or a commercial driver) and causes a crash is liable for injuries they cause under standard negligence law. Even if they escaped criminal conviction, you can still pursue a civil claim for compensation for your financial losses.
2. **Dram shop law** – Under [Florida Statute § 768.125](#), you can hold a bar, restaurant or liquor store liable (legally responsible) if they knowingly served alcohol to a minor (under 21) or someone “habitually addicted” to alcohol and that person then drives drunk and causes an accident.
3. **Comparative fault rule** – Florida follows a modified comparative negligence system. If you (the bicyclist) are found partly at fault, your compensation will be reduced by your percentage of fault, but you cannot recover if you are 50 % or more at fault.

4. **Statute of limitations** – Typically, you only have two years from the date of the injury to file a personal injury lawsuit, according to [Florida Statute § 95.11](#). For dram shop claims, the deadline may be even shorter, so prompt action is important.

### **How do drunk-driving evidence and bicycle accidents intersect?**

Florida's drunk driving laws and bicycle accident claims often overlap in many different ways. Consider this scenario: a cyclist riding in a designated bike lane in Tampa is hit by a driver who veers into the bike lane and strikes them. Soon after, police charge the driver with DUI.

How does evidence from the DUI arrest impact a cyclist's injury claim?

- The driver's BAC test result demonstrates that they were legally impaired and thus unsafe to operate the vehicle.
- The arrest report notes the driver was speeding, weaving between lanes, and failed to apply the brakes. Combined with the truck's path into the bike lane, such evidence supports the bicyclist's version of events.
- Surveillance footage from a bar shows the driver stumbling and leaving after consuming multiple alcoholic drinks.
- Photographs of the crash scene show the cyclist was thrown a significant distance, consistent with a high-impact collision.
- The cyclist's medical records document traumatic injuries, such as spinal cord damage that requires multiple surgeries and a long rehabilitation. Such medical records demonstrate that a high-force crash caused by a drunk driver resulted in the injuries.

This combination of evidence – along with additional evidence collected by the cyclist's attorney – can illustrate that the driver's intoxication clearly caused the collision, the cyclist's injuries and significant financial losses.

### **What challenges do bicyclists face in drunk-driving crash cases?**

Victims of bike-vs-vehicle crashes involving intoxicated drivers often face several unique legal hurdles, including:

- **Delayed testing or refusal** – If the driver refuses a blood test, the BAC evidence may not exist. Victims must rely more heavily on circumstantial evidence (video, receipts, witness testimony).
- **Assigning fault correctly** – Cyclists often face blame, even when they clearly did nothing wrong. That's because some people and insurance companies automatically blame cyclists for causing such collisions, even when the driver was clearly at fault.
- **Pinpointing pre-crash alcohol service** – Holding a bar or liquor store liable under Florida's dram shop law is harder than in some other states: the vendor must have knowingly served a minor or someone habitually addicted to alcohol.

- **Insurance policy limits** – Many drunk-driving crashes involve significant financial losses, including medical costs, future medical care, lost wages, and lost future earning capacity. However, the at-fault driver’s insurance may be minimal. Attorneys must investigate all potential sources of liability and coverage.
- **Statute of limitations and evidence preservation** – Video footage can quickly be overwritten, drink receipts might be discarded, and memories can fade fast. That’s why acting promptly is critical in such legal cases.

### **What types of compensation can a cyclist obtain for a drunk driver accident?**

When a bicyclist is struck by a drunk motorist in Florida, the injured party should be financially compensated for all their financial losses, now and in the future. Such losses can cover a wide range, including money for:

- **Medical bills** – Past and future treatment: hospital stays, surgeries, rehabilitation, medications, assistive devices.
- **Lost wages and reduced earning capacity** – Time off work, inability to return to the prior job, future lost income.
- **Pain and suffering / emotional distress** – The physical pain, mental anguish, loss of enjoyment of life.
- **Permanent disability or disfigurement** – If the bicyclist sustains a catastrophic injury (such as paralysis, amputation, or traumatic brain injury) the long-term impact is recoverable.
- **Punitive damages** – In extreme cases where the drunk driver’s conduct was grossly reckless, punitive damages might apply. Florida caps punitive damages under [Florida Statute § 768.72](#).

The presence of alcohol increases the severity of the crash. Many judges and juries recognize that a drunk driver’s liability should result in higher compensation than a typical negligence case. That’s because the driver knowingly put everyone on the road at risk and caused a serious bicycle accident.

### **Who’s responsible for paying for a bicycle accident caused by a drunk driver?**

When a drunk driver hits a cyclist in Florida, determining who pays for the resulting injuries, property damage and other financial losses often depends on several factors. Because these crashes often involve multiple layers of liability, identifying every responsible at-fault party is essential to securing full compensation.

The parties who may be financially responsible include:

- **The drunk driver** – The at-fault driver’s auto insurance is the first source of compensation. This typically includes bodily injury liability coverage and property

damage coverage. However, many drivers in Florida carry only minimal limits – or none at all – so additional options often need to be explored.

- **Your own insurance company** – If you carry uninsured/underinsured motorist (UM/UIM) coverage under your auto policy, it can help cover medical expenses, lost income, and other damages when the drunk driver’s insurance is insufficient. Even if you were riding a bicycle at the time, your UM/UIM coverage can apply.
- **A bar, restaurant, or liquor store** – Under Florida’s dram shop law ([Florida Statute § 768.125](#)), you may have a claim against the establishment (bar, restaurant, liquor store) that overserved alcohol to the driver if they knowingly served a minor or someone known to be habitually addicted to alcohol. In those situations, the business’s commercial liability insurance may contribute to your recovery.
- **A third party** – In rare cases, another entity – such as the owner of the vehicle or the driver’s employer (if the driver was on the job) – could share liability, meaning legal responsibility for paying for the accident. A company that allowed an employee with a known history of drunk driving to operate a company vehicle, for example, could also be held accountable.

Because Florida’s insurance and liability laws are complex, victims of drunk-driving bicycle accidents should not rely solely on an insurance company’s assessment. A skilled attorney can investigate every possible source of compensation, review insurance policies and make sure that the at-fault parties responsible for overserving or allowing a drunk driver behind the wheel are held accountable.

### **Do I have to sue a drunk driver if they’re already charged with DUI?**

Yes. Even if the driver who hit you is facing criminal charges for driving under the influence (DUI), that case does not compensate you for your injuries or financial losses. Criminal proceedings and civil claims in such cases are completely different under Florida law.

Here’s the key difference:

- **A criminal case** is brought by the State of Florida. Its goal is to punish the offender through jail time, fines, probation or license suspension – not to compensate victims. You may be asked to testify or submit a victim-impact statement, but you will not receive payment for medical bills, lost wages, or pain and suffering from the criminal court’s verdict alone.
- **A civil lawsuit or insurance claim** is your personal avenue for financial recovery. Through this process, you and your attorney can pursue compensation for all accident-related expenses, including long-term medical care, emotional distress, and loss of income.

Regardless of what happens in the criminal case involving the drunk driver, you can still be compensated for your financial losses through your civil case. The two cases have nothing to do with each other.

A Florida bicycle injury lawyer can make sure that your civil case runs independently of the criminal proceedings. Your attorney can also use evidence gathered during the criminal investigation (such as BAC results, police bodycam footage or witness statements) to strengthen your civil claim. But again, even if the driver is not convicted of DUI, your civil case seeking compensation for your financial losses can still be successful.

### **How does a lawyer help in these drunk-driving bicycle accident cases?**

When a cyclist is injured by a drunk driver, retaining a skilled attorney can often make a big difference in the outcome of your case. Some of the ways a lawyer can help include:

- Investigating immediately to preserve video footage, retrieve bar receipts or liquor-service records, gather police reports and drunk-driver arrest information.
- Working with forensic experts (accident reconstruction, toxicology, biomechanics) to connect intoxication with crash mechanics and injuries.
- Evaluating all possible sources of compensation, including the driver's insurance, uninsured-motorist coverage, dram shop third-party liability, and even municipal liability in rare cases (such as poorly maintained bike lanes increasing risk).
- Protecting your rights during insurance negotiations and, if needed, preparing to go to trial to hold a drunk driver fully accountable.

With the complex interplay of intoxication, bicycle vulnerability, and serious injury, a lawyer ensures no piece of evidence or potential claim is overlooked.

### **What should a cyclist do after being hit by a drunk driver in Florida?**

If you or a loved one has been hit by a drunk driver while riding a bike in Tampa or another community in Florida, it's important to act fast to protect your health and your rights. Such steps often include:

- Seek immediate medical care at the crash site if necessary.
- Call the police and make sure they file a report noting any evidence of driver impairment (open containers, erratic driving, admission of drinking).
- Preserve any photographs, videos, bike damage, helmet damage and roadway debris.
- Schedule a follow-up appointment with your doctor after your accident.
- Follow your doctor's advice. That way, you will hopefully recover faster and not give insurance companies any excuse to deny your claim.
- Do not give a recorded statement to the driver's insurance company or sign releases.
- Talk to a Florida bicycle accident lawyer right away.

The sooner you talk to an attorney after your bicycle accident, the stronger your legal case.

At the Law Offices of Casey D. Shomo, we understand the urgency and seriousness of legal cases involving cyclists hit by a drunk driver. That's why we get to work right away on such important cases – gathering evidence, consulting with accident reconstruction experts and more.

You deserve full, fair compensation. If you were hit by a drunk driver while riding your bicycle in Tampa or another part of Florida, [contact us](#) and schedule a [free case review](#) with a Tampa bicycle accident lawyer you can trust.